IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1234 of 2006

STATE & ORS.
V/S
JHANDU RAM & ANR.

Mr. S.N.TIWARI for the appellant / petitioner

Date of Order : 24.4.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

By the impugned award the learned Tribunal has passed the award under Section 33 C[2] of the Industrial Disputes Act on the ground that earlier award passed in favour in Dispute No.5/2002 dated 21.11.2002 has not been complied with. The learned Tribunal has calculated the wages payable to the workman on the basis of that award. From the impugned award [Annexure 3] it transpires that the award dated 21.11.2002 was passed on compromise, whereunder the workman had forgone the back wages, and the petitioner has agreed to reinstate. The tribunal has calculated the wages from the date of award only.

True, it is that earlier award is under challenge in writ Petition No.6732/2003, but then, admittedly there is no stay order passed in that writ petition.

It is contended that after passing of the award dated 22.11.2002, the workman did not report on duty. Suffice it to say, that in this regard there is no material placed on record, even a word of mouth by way of evidence from the side of the petitioner, except that simply a pleading has been taken in Para 5 of the reply which by itself is hardly of any consequences.

Thus, I do not find any error in impugned award. The writ petition is, therefore, dismissed summarily. It is, however, clarified that if the award dated 22.11.2002 is interfered with by this Court in Writ Petition No.6732/2003 then the consequence will automatically follow.

(N P GUPTA),J.

/mamta/